

Application No. 09/896,066
Amendment "C" dated March 9, 2006
Reply to Office Action mailed December 29, 2005

REMARKS

The Office Action mailed December 29, 2005 considered claims 1-48. Claims 1, 3, 5-10, 12, 14-18, 28-39, and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US Pat. Pub. No. 2005/0028208) (hereinafter "*Ellis*") in view of the Examiner's official notice. Claims 4, 13, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* in view of Herrington et al. (WO 00/78050) (hereinafter "*Herrington*"). Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ellis* et al in view of Artigas et al. (US Pat. Pub. No. 2001/0014206) (hereinafter "*Artigas*").¹ By this paper, claims 1, 9, 10, 18, 28, and 34 have been amended and new claims 49 and 50 have been added² such that claims 1, 3-10, 12-18 and 28-50 remain pending, and of which claims 1, 10, 28 and 34 are the only independent claims at issue.

The present application is directed to a system where a user remote from a multimedia device, such as a set top box for displaying programming on a display, can access the multimedia device to control the multimedia device. In this manner, the user can adjust various settings, schedule time shifting recording, and the like. The embodiments claimed by the amended claims recite that a user is authenticated *to the multimedia device by providing authentication information issued to a user from an authentication service to the multimedia device*. This prevents unauthorized persons from, for example, altering or viewing settings on the multimedia device.

For example, claim 1 recites elements of accessing a client system through a network with a remotely located access device and authenticating a user of the remotely located access device to a client system by providing authentication information issued from an authentication service to the client system to allow the client system to verify the user with the authentication service. Once the user is authenticated with the service, the method includes retrieving and displaying a program guide on the remotely located access device and selecting an event using

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the amendments and new claims can be found throughout the specification but with particularity at paragraph [043].

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the program guide. The selected event is then sent to the client system and scheduled at the client system.

Claim 10 is a computer program product claim that recites the elements of claim 1.

Claim 28 is similar to claim 1 with a few differences including that it recites the use of device services and authentication services to authenticate the user. Additionally, claim 28 is directed specifically to set top boxes.

Claim 34 is a computer program product claim that recites the elements of claim 28.

Ellis, in direct contrast to what is recited by the claims, and as admitted by the Examiner does not teach authenticating a user of a remotely located access device to the client system. The Examiner however relies on official notice to teach that which *Ellis* clearly does not teach. Without acquiescing to the Examiner's rejection, Applicants have further amended the claims to more clearly illustrate the patentability of the claims of the present invention over the art cited by the Examiner.

Claim 1 now recites that a user at a remotely located access device is authenticated to a client system by providing authentication information issued from an authentication service to the client system to allow the client system to verify the user with the authentication service. The use of authentication services allows a user to access a number of sites and devices by using a single set of access credentials rather than needing to maintain individual access credentials for the number of sites and devices. Thus, in one example (see e.g. claims 28 and 34), a user may be able to access the client system through the authentication service by providing authentication information issued by the authentication service. Nonetheless, even though the user has provided the authentication information to the authentication service, the user is still authenticated directly to the client system. In another example, a user can provide authentication information issued by an authentication service directly to the client system which allows the client system to verify the user with the authentication service. In direct contrast, the examples cited by the Examiner for showing authenticating to a device do not show the use of authentication information issued by an authentication service. Rather, *See* US Pat. No. 5,764,281 shows comparing a password received from a user with a password stored at an in-house apparatus (col. 4, lines 24-26), but is silent with respect to the use of authentication information issued by authentication services. *Knowles et al* US Pat. No. 6,503,348 shows at Figure 35, the use of passwords for program access, but is silent with respect to the use of

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authentication information issued by authentication services. *Tsosi* US Pat. No. 5,886,730 shows a system that generally includes passwords as theft protection (e.g. col. 1, lines 39-47), but is silent with respect to the use of authentication information issued by authentication services.

If the Examiner again intends on relying on Official Notice to supply the missing elements, Applicants respectfully requests that the Examiner provide documentary support showing the asserted elements of the Official Notice at the time of the invention and the requisite motivation for combining the asserted teachings with the asserted teachings of the cited art, as Applicant respectfully disagrees with the Examiner's assertions with regard to the asserted teachings and motivation for their combination to reject the claims. See MPEP § 2144.03(C). Moreover, Applicants remind the Examiner that it is generally against accepted examination guidelines to finally reject a claim while relying on Official Notice. MPEP § 2144.03(A) ("While 'official notice' may be relied on, these circumstance should be rare when an application is under final rejection").

With respect to claims 28, 34 and dependant claims 9 and 18, these claims each recite recognizing a specific device being used remotely by a user and formatting a program guide for the specific device. Specific examples are illustrated in new claims 49 and 50. Claims 49 and 50 illustrate that the recognized device may be a cell phone. As such, the program guide is presented in a menu driven format suitable for use on a cell phone. None of the art cited by the Examiner includes teaching regarding recognizing specific devices.

Herrington and *Arigalas* do not compensate for the deficiencies of *Ellis*. In particular, *Herrington* appears to be an international filing that is nearly identical to and claims at least one common inventor with *Ellis*. *Arigalas* is cited only for showing deleting programs from a collection of stored programs.

Furthermore, although the foregoing remarks have been focused primarily on the independent claims, it will be appreciated that all of the rejections and assertions of record with respect to the independent claims, as well as the dependent claims, are now moot, and therefore need not be addressed individually. However, in this regard, it should be appreciated that Applicant does not necessarily acquiesce to any assertions in the previous Office Action that are not specifically addressed above, and hereby reserves the right to challenge those assertions at any appropriate time in the future, should it arise, including any official notice.

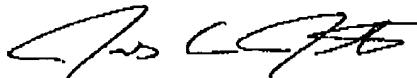
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In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 9 day of March, 2006.

Respectfully submitted,



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